

SUMMARY

National Foundation for Judicial Excellence
Lloyd H. Milliken, Jr., President

March 14, 2006

Rule 4.04(B)(3)

The National Foundation for Judicial Excellence (“NFJE”) is a not-for-profit corporation organized under the laws of the State of Illinois in 2004 for the purpose of providing privately funded educational programming to judges serving on state courts of last resort and intermediate courts of appeal having jurisdiction over civil suits.

The NFJE has concerns about the last clause recently added to Rule 4.04(B)(3) (“PARTICIPATION IN CIVIC OR CHARITABLE ACTIVITIES”). The language may cause unintended confusion regarding judges’ ability to heed the encouragement given in Comment [1] to Rule 4.11 to attend privately funded law-related educational programming. The NFJE requests that the Commission either delete the last clause of Rule 4.04(B)(3) or modify the rule to clarify that it is not intended to prohibit attendance at educational programming.